

## Senate Bill No. 648

### CHAPTER 408

An act to amend Sections 10406, 12210, and 12225 of the Public Contract Code, relating to contractual preferences for recycled products.

[Approved by Governor September 6, 2002. Filed  
with Secretary of State September 9, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 648, Committee on Environmental Quality. Public contracts: preferences: recycled products.

Existing law requires every procuring agency, as defined, to revise, on or before July 1, 1992, its procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate, from these procedures and specifications, any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials.

This bill would require procuring agencies to continuously review and revise its procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate, from these procedures and specifications, any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials.

Existing law requires, cost and quality being equal, that local and state agencies purchase recycled products instead of nonrecycled products, and also allows local agencies to give preference to suppliers of recycled products.

This bill would make technical and clarifying changes to this requirement.

Existing law requires the Department of General Services to report annually to the Legislature on the amount of recycled products that are utilized by state agencies and state contractors. Existing law requires that this annual report include, among other items, the cost and number of recycled items purchased by various state agencies.

This bill would require the Department of General Services to revise its list of available recycled products as needed and to include the revised list in its annual report.

*The people of the State of California do enact as follows:*

SECTION 1. Section 10406 of the Public Contract Code is amended to read:

10406. Every procuring agency shall continuously review and revise its procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials. This section does not prohibit a local agency from purchasing virgin oil products for exclusive use in vehicles whose warranties expressly prohibit the use of products containing recycled oil.

SEC. 2. Section 12210 of the Public Contract Code is amended to read:

12210. Fitness and quality being equal, all local and state public agencies shall purchase recycled products instead of nonrecycled products whenever available at no more than the total cost of nonrecycled products. All local public agencies may give preference to the suppliers of recycled products. All local public agencies may determine the amount of this preference.

SEC. 3. Section 12225 of the Public Contract Code is amended to read:

12225. On or before August 31, 1991, and every year thereafter, the department, in consultation with the board, shall prepare a report to the Legislature describing the purchase and procurement of products purchased by the state before and after January 1, 1990. The report shall estimate the amount of recycled products utilized by state contractors before and after the enactment of this chapter. The report shall include, but not be limited to, the following:

(a) Listed by department, the total dollar amounts, volume, and number of contracts of individual products purchased by the department and any other agency having delegated procurement authority pursuant to Section 10333.

(b) Total dollar amounts, volume, and number of contracts of each product purchased by the state, which includes the Legislature, the California State University, and the University of California systems.

(c) A list of individual recycled products purchased pursuant to Sections 10507.5 and 10860, inclusive, this chapter and Chapter 5 (commencing with Section 12300).

(d) The total dollar amounts, volume, and number of contracts of individual products, whether recycled or nonrecycled, purchased by the state.

(e) The total dollar amounts, volume, and number of contracts of recycled products including recycled paper and compost products purchased pursuant to Sections 10507.5 and 10860, inclusive, this chapter, and Chapter 5 (commencing with Section 12300).



(f) The total dollar amount and volume of compost and cocompost products utilized by the state pursuant to Section 12183 or any other state or local program.

(g) For recycled paper products purchased by procuring agencies, the total number of contracts, dollar amounts, and volume of those contracts that were eligible for the preference pursuant to Section 12162.

(h) For each recycled product, including recycled paper and compost products, the total dollar amounts, volume, and number of contracts that were eligible for a preference or a combination thereof pursuant to Sections 4533, 7084, and 14838 of the Government Code.

(i) Total number of bids for each product listed in Section 12157, whether or not a contract was awarded the bid.

(j) The range of dollar amounts for bids on procurement contracts which include, but is not limited to, contracts for the procurement of individual recycled products listed in Section 12157.

(k) For each waste material, total revenue dollars and volume generated from the state waste materials collection program pursuant to Section 12165.

(l) Recommendations to the Legislature as to revisions of the percentage amounts contained in the secondary material and postconsumer material definitions for individual products that will result in greater procurement of recycled products composed of recycled resources that would otherwise be disposed of as solid waste in the state's disposal facilities.

(m) Recommendations on specific products available containing secondary and postconsumer material that are procured by the state, used in the performance of a service or project for the state, and used in state construction contracts.

These products shall be recommended as candidates for the application of the recycled paper product preference described in Section 12162.

(n) A list of products purchased in either large volumes or high dollar amounts by the state that are available as a recycled product, as identified by the board in consultation with the department. The board shall revise this list as products purchased by the state become feasibly available in recycled form. Any revised list shall be included in the annual report required by this section.

